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USAID/MACEDONIA JUDICIAL STRENGTHENING PROJECT (JSP)

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I. PROGRAM-RELATED ACTIVITIES AND TASKS

RESULT 1: STRENGTHENING ADVOCACY AND CITIZEN PARTICIPATION IN JUDICIAL SECTOR REFORM

1.1 Requirement 1.1: A Short, Focused Assessment, Baseline Survey, and Resulting Action Plan on Justice Sector LPAs and CSOs, and the Role they can play in Strengthening the Rule of Law in Macedonia

The Judicial Strengthening Project (JSP) completed the short, focused initial assessment of the needs of 11 legal professional associations (LPAs) and civil society organizations (CSOs), through a subcontractor: the Macedonian Center for Institutional Development (CIRa). Based on the assessment, JSP selected three organizations for Phase II of the assessment: The Macedonian Judges Association (MJA), The Macedonian Young Lawyers Association (MYLA), and The Court Administration Association (CAA).

In Phase II, CIRa assessed the performance of the three selected organizations to identify performance gaps and, in Phase III, provide training and technical assistance packages customized to each organization. Training activities under Phase III commenced in October 2012 and were completed in October 2013. The sections below outline the follow up activities and events carried out during the reporting period.

1.2 Requirement 1.2: Per the Findings of Requirement 1.1, the Capacity of at Least Two Judicial Sector Professional Associations are Improved

Phase III activities included a series of training workshops -to be implemented by JSP subcontractor MESAcons/Embra- to enhance the capacity of the selected organizations. The project supported a total of 31 trainings/workshops between October 31, 2012 and October 25, 2013¹. Many of these trainings were conducted jointly to reach several organizations simultaneously.

On July 22, 2013, JSP signed a modification agreement with MESAcons/Embra to include additional LPAs in the trainings/workshops instead of the MJA, which withdrew from the training program.

The training program was completed in October 2013 and certificates were presented to all participants in December. The final report was reviewed by JSP and finalized during January 2014. The draft report includes recommendations for further strengthening and support of LPAs.

1.2.1 Other Support for LPAs

Macedonian Young Lawyers Association

As follow up to the assistance JSP provided in organizing the MYLA National Conference in December 2013, the project continued to support the analysis on the challenges, problems, and perspectives of the legal profession in Macedonia. The analysis will be finalized in March 2014, along with the conclusions from the discussions at the Conference.

Court Administration Association

The project continued to support the intern who assists the activities of the Court Administration Association ("CAA"). The new agreement covers the period of January 15 –

¹ The final training took place on October 24 and 25, 2013

November 14, 2014, and will provide the CAA with assistance in the performance of daily operations, including preparation of sessions, maintain regular contacts with the membership, provision of logistical support for implementation of trainings for CAA members, and other administrative-technical tasks.

On January 28, the COP met with the CAA President and discussed JSP's support for organizing roundtable discussions on amending the Law on Court Service (LCS)². Tentative dates for the roundtables are February 13-14, and February 27-28. It is envisioned that CAA members will prepare changes and amendments to areas of the LCS that are deemed ambiguous or difficult to implement, and will submit them to the Ministry of Justice (MOJ)³ for consideration.

European Law Students Association

The revision to ELSA's website technical specifications is in its final stage. The configuration of the webpage will have two sections. The first will be designed for public use and contain general information, activities, and contact information. The second will be designed for access only by members in good standing. The new configuration will provide an array of information for the public and include links and helpful tools for members. The final technical specifications were concluded in December 2013 and an RFP was drafted in January 2014. The RFP will be issued in the first half of February 2014.

On January 27th, 2014, the ELSA Brochure "Prevention instead of punishment – Juvenile Justice System", which was prepared and printed with JSP support, was promoted at the 11 Oktomvri orphanage in Skopje. The brochure was presented to 15 protégés from the orphanage by two members of ELSA, assisted by a public prosecutor and a judge who work in the juvenile justice area. Both the brochure and the presentation were well received by the social workers at the orphanage and because of the focus of the materials not only on the rights of minors but also on their expected conduct as citizens in the society

Further, at a meeting with the ELSA president on January 8th, the project pledged to support two additional ELSA publications – a promotional brochure of the organization to raise awareness about ELSA's mission and vision and increase its outreach, and a promotional flyer aimed at attracting new members. The texts for the brochure and flyer have been prepared by ELSA and submitted to JSP for review. The JSP team is currently working on procuring design and printing proposals. The two publications will be published during February 2014.

Public Prosecutors Association (PPA)

The development of PPA's brochure, which JSP is supporting, is in its final phase. The text has been reviewed and translated into English, and the project completed the procurement for design and printing. The brochure will be printed in the first week of February.

Macedonian BAR Association

The JSP pledged to support the overhaul of the BAR Association's web site. At a meeting in December 2013, the President of the BAR Association and JSP's COP discussed the outline and functionalities of the improved website. In January 2014, the JSP IT and logistics

² The CAA has been successful in proposing changes and amendments to the LCS. In 2010, with support of the previous USAID Judicial Reform Implementation Project (JRIP), the CAA prepared extensive changes to the LCS and submitted them to the MOJ. Most of the proposed changes were accepted by the MOJ and passed by Parliament in November 2010.

³ The MOJ is the regulatory body responsible for the development laws and regulations norming the organization of the courts

coordinator prepared the specification and scope for overhauling the web site. The RFP is prepared and will be published at the beginning of February.

Support the work of domestic violence NGOs

On January 8th, 2014, the JSP team met with Jasminka Friscic from ESE, to discuss the potential cooperation the project could embark on in the area of domestic violence. It was concluded that the project can support, with the assistance of ESE's experts, the preparation and printing of a Bench Book on domestic violence for judges. JSP's COP held a conference call with US Judge Michael Kavanagh, an expert in this area, to outline the first steps for the implementation of this task. .

1.2.2 Building Broad-Based Coalition of LPAs

The project is supporting the creation of a coalition by coordinating with the major actors and supplying them with materials, documents, and advice.

The idea of forming a broad-based coalition in Macedonia was conceived after the first study tour to Sweden and Estonia (April 8-18, 2013) for seven members of All For Fair Trials (AFFT), Macedonian Young Lawyers Association (MYLA), Macedonian Lawyers Association (MLA), Court Administration Association (CAA) and European Association for Law Students (ELSA). The Coalition will be modeled after NENO, a Estonian broad-based organization of justice sector NGOs.

Following negotiations, the project signed a subcontract with US Small Business "The Kaizen Company" to provide technical assistance in the creation of the broad-based coalition. In December 2013, Kaizen consultant Amy Watve conducted a first trip to Macedonia to survey and assesses the conditions of potential coalition members. Based on Ms. Watve's trip report and results, the project team is planning the next stage of the process –actual building of the coalition- and coordinating Kaizen's experts next visit, scheduled for March 2014.

RESULT 2: MORE INDEPENDENT, EFFICIENT, AND CONSISTENT APPLICATION OF JUDICIAL POLICIES AND PRACTICES

2.1 Legal Framework and Judicial Branch Policies Strengthen Independence, Effectiveness, and Accountability of the Judicial System

2.1.1 Review and Advocacy of Laws by the Judiciary

Judicial Branch Forum Follow-up

The Judicial Branch Forum (JBF) provides an opportunity for leaders of the judicial branch institutions and associations to discuss the progress, current status, and next steps in the implementation of judicial reforms in Macedonia. These topics are important to the ultimate achievement of reform goals: establishment of the judiciary as a fully independent, effective and self-governed branch of government capable of upholding the rule of law and providing timely and quality services to all citizens of the Republic of Macedonia.

During this month, the project started planning the fifth JBF, scheduled for February 20-21 in Strumica. Invitation letters were sent to all JBF members, asking them to suggest topics for the agenda. Four JBF members have confirmed their participation and one topic was suggested: *"Ensuring active participation at the judicial trainings organized by the Academy for Judges and Public Prosecutors / Improving the quality and efficiency of the trainings by conducting post-training evaluation."*

Harmonization of Decisions of Appellate Regions

Part of the project's ongoing cooperation and assistance to the Judicial Training Academy is the support of a leadership team for the harmonization of court decisions. The group, which comprises four appellate region civil judges and heads of departments, meets 2-3 times a year to discuss and harmonize important decisions. During 2013, two meetings for harmonization of the judicial practice in the civil area were held, one in April and another one in December.

At a meeting with the Director of the Academy, Judge Arnaudovska, on January 23, 2014, it was agreed that the harmonization sessions should follow a different format: they should take place in the appellate regions and be attended by professors and other experts from relevant areas. The project will work with the Academy and the appellate courts on the planning for the first 2014 harmonization meeting.

2.2 Requirement 2.2: Administration and Management Rules, Policies and Procedures, and Systems and Practices to Support a Modern Court System

2.2.1 Workshop for the Court Service Council

The workshop for the current and previous members of the Court Service Council (CSC) on *"Successful Transitioning, Transfer of Institutional Memory and Building Plan for Future Activities"* was held on January 16-17, 2014 in Ohrid. The workshop marked the five-year existence of the CSC and its main goal was to train the new CSC members (from the basic courts Prilep, Skopje 1, Skopje 2 and Strumica) on the successful performance of their roles and responsibilities as set forth in the LCS and relevant sub-regulations. Twelve (12) participants attended, including 11 members of the CSC, and one administrative and technical support staff.

During the workshop, the participants also discussed issues faced by the CSC in the decision-making process in the area of hiring, dismissal, and disciplinary procedures of court employees and the need for amending the LCS. The participants decided to have two-three sessions in February-March to propose changes related to the procedures and organizational setting of the CSC as well as amendments which would encompass broader aspects of the status of court administration.

Regarding CSC's future needs and activities, the participants discussed the following: conducting the exam for selection and hiring of court employees electronically, development of CSC's web-site, development of electronic data-base for CSC cases (appeals), and harmonization of courts' acts. It is expected that the CSC will approach the project for assistance in the implementation of these activities.

Impressions from the Sixth International Conference of the International Court Administration Association (IACA) organized in Dubai were shared at the end of the workshop and a summary of the conference was published at CAA web site. The project supported the participation of CAA President, Mr. Borce Mirceski at this conference, on December 9-10, 2013.

2.2.2 Strategic Plan for the Judiciary

The JSP engaged local subcontractor CIRa to support the development of the Judiciary's Strategic Plan (SP) 2014-2016.

The initiative is being implemented in three phases:

1. Assessment of the implementation of the Judiciary's Strategic Plan –2010 to 2012
2. Series of workshops to develop a new 2014-2016 Strategic Plan
3. Presentation and review of the new strategic plan with designated judicial system actors

Initial interviews and workshops aimed at assessing the implementation of the 2010-2012 Strategic Plan and facilitate the development of the 2014-2016 version were held in December.

A second stakeholder workshop was held in January 2014 to develop the 2014-2016 Strategic Plan detailed activities, including the timeframe, responsible authorities, needed resources and performance indicators. Two more workshops are being scheduled within the first week of February to complete the Strategic Plan.

2.2.3 Assist courts to improve transparency and communication with public and media

The project continued to support publications that contribute for an increased transparency of the judiciary and communications with the public. Based on its successful experience in 2013, the project sent letters to the four appellate courts to offer its support in the preparation and publication of the courts' 2013 annual reports. The project expects to receive positive responses from the courts by February 28, 2014.

RESULT 3: INCREASED FAIRNESS AND EFFICIENCY OF THE ADMINISTRATION OF JUSTICE THROUGH MORE EFFECTIVE LEGAL PERSONNEL AND EFFICIENT PROCESSES

3.1 Requirement 3.1: Develop and Implement Targeted Specialized Training for Judges, Court Administrators, Executives and Court Staff

3.1.1 Continue training opportunities for judges with the Academy

On January 23, the project and the USAID ROL Project Management Specialist met with the Director of the Academy to discuss areas for future cooperation. More specifically, the Director of the Academy asked JSP support for the implementation of the following activities: trainings in the area of commercial law, bankruptcy law and intellectual property law; meetings for harmonization of the judicial practice in the civil area; specialized trainings for lay judges; support for measuring the effectiveness of the judicial training; developing Strategic Plan for the Academy.

Following-up on the Academy's request for support for measuring the effectiveness of judicial trainings, JSP translated the manual *Measuring Impact of Judicial Training*, published by INPROL⁴, which will be sent to the Academy.

⁴ International Network to Promote the Rule of Law

Requirement 3.2: Improve Caseload Processing and Reduce Backlog of Cases

3.2.1 Court Proceedings and Court Efficiency

3.2.2 Support for Judicial Sector Automation

Electronic Digital Recording of Court Hearings and Trials

The JSP has provided support for an “in-house” Electronic Court Recording (ECR) consultant at BC Skopje II due to the court’s workload, which includes high-profile cases from the entire country. The scope of this consultancy encompasses the following: development of a simplified manual for end users of Audio Recording System Femida, installation of new software Open Office to enable exchange of data between ACCMIS and Femida in 80 courtrooms and delivery of refresher trainings for civil judges and court typists in 29 courts.

The trainings started on January 20th in the Gostivar Appellate area. Three days were allocated for the training at B.C. Tetovo - January 20, 21 and 22. The training at the Appellate Court Gostivar was attended by the project team and the COP took the opportunity to meet with the Appellate Court President to discuss the court’s current and ongoing efforts to reduce backlog and procure topics for the forthcoming Judicial Branch Forum in February.

Trainings at the B.C. Gostivar followed on January 24 and 28 and at the B.C. Kicevo on 29 and 30. During the latter, the JSP COP met with the court President and agreed to support the court’s daily operations with the provision of computer equipment. The trainings at the Gostivar Appellate Area were concluded with B.C. Debar, on January 31. The next round of trainings is at the Bitola Appellate Area, at the beginning of February.

The trainings are organized in a manner that the consultant and a member of the JSP team visit the courts and assist the judges and typists with ECR on actual hearings. Training schedules have been prepared for all the courts and the trainings will continue until the end of March 2014.

Upgrade of Automated Budget Management System

The Court Budget Council (CBC) requested an upgrade of the Automated Budget Management System (ABMS) due to a number of changes in the laws and sub-regulations norming judicial budgeting, finance and human resources. The project addressed the issue through a sole source contract with the original vendor (local IT company “Ultra”), in November 2013. During December 2013 and January 2014, the vendor and the Administrative Office of the Court Budget Council worked on developing and testing the new upgraded modules. As stipulated in the contract, the vendor should also assist the responsible personnel in the AO of the CBC in applying the installed upgrades by or before March 31, 2014.

3.2.3 Coordination Meetings

President of the Judicial Council

The JSP COP continued regular communications with the president of the JC to coordinate project efforts with JC and the CBC in various areas. At a meeting held on January 9, it was agreed that the JC will send a letter to all courts asking them to specify dates for electronic court recording trainings to be supported by the project. Also discussed at the meeting were the future steps for finalization of the 2014-2016 Judiciary’s Strategic Plan as well as the adoption of accounting standards and protocols for the CBC.

Meeting with the EU Justice Sector Support Program

On January 10, the project met with a EU project team operating under the framework of the EU Justice Sector Support Program to learn about the EU project and its mission as well as to share knowledge on justice reform areas where JSP is active.

RESULT 4: CRISIS-MODIFIER AND MATERIAL SUPPORT

The project procured a printer for the European Law Students Association to support the organization's day to day work as well as provision of services to its membership.

Likewise, upon request of the president of the Basic Skopje 2 Skopje, the project procured a mono chrome full duplex network scanner/printer/photocopier needed for the successful functioning of the court.

II. PROBLEMS AND REMEDIAL ACTIONS

Problems have been minimal and are of the type to be expected in the regular course of implementation.

III. ADMINISTRATIVE MATTERS

A job description for the vacant court administration assistant position was developed. The administrative procedure for the recruitment and hiring of a candidate for this position will be completed by early March 2013.

IV. SUMMARY OF ACTIVITIES PLANNED FOR FEBRUARY 2014

The summary of activities planned for February 2014 is as follows:

- Support Amy Watve and Andrew Kaiser of The Kaizen Company in the preparation for their second visit – from March 2-15, 2014.
- Follow-up with participants of the second study tour to finalize Action Plan and assisting in implementation where appropriate and agreed upon
- Promotion of the brochure “Prevention instead of punishment – Juvenile Justice System” at the detention center in Veles
- Procure IT equipment for Basic Court Kicevo
- Publish RFP for the overhaul of ELSA's website
- Publish RFP for the upgrade and improvement of the Macedonian BAR Association's website
- Print and publish ELSA's outreach brochure and flyer
- Continue support of student visits to courts and distribution of ELSA publications
- Continue oversight of the implementation of electronic recording of court hearings, including supporting the work of support coordinator retained for Skopje II
- Monitor implementation of action plans by CAA, ELSA, MLA, AFFT and MYLA related to recent study tour objectives, including feedback for the development of a broad-based coalition
- Publish PPA's brochure
- Publish ECR manual and further trainings in Bitola and Shtip Appellate Regions
- Follow up on the recommendations from the IT roundtable in Krusevo and oversee the preparation of templates for the internal web site of the courts

- Support one-two workshops with the CAA and CSC for drafting changes and amendments to the LCS
- Organize the Fifth Judicial Branch Forum (JBF), on February 20-21, in Strumica
- Oversee and manage contract for the upgrade of ABMS for the CBC
- Oversee completion of 2014-2016 Judiciary's Strategic Plan by local organization CIRa